

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**United States District Court
Albuquerque, New MexicoUnited States of America
v.
Zachary G. Dosch (YOB 1999)

Case No. 21-mj-851 JHR

Mitchell R. Elfers
Clerk of Court*Defendant(s)***AMENDED
CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Oct. 29, 2019 to May 12, 2021 in the county of Bernalillo in the
 District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2252A(a)(2)	Distribution and Receipt of Child Pornography

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.*Complainant's signature*

Kyle Woods, Special Federal Officer

Printed name and title

Telephonically sworn and electronically signed.

Date: 7-2-2021*Judge's signature*City and state: Albuquerque, New Mexico

Hon. Kirtan Khalsa, United States Magistrate Judge

Printed name and title

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I, Kyle Woods, a Special Federal Officer with the Federal Bureau of Investigation (“FBI”), being duly sworn, depose and say:

1. This affidavit is submitted in support of a criminal complaint and arrest warrant charging Zachary Dosch (born in 1999) (“DOSCH”) with violating certain activities relating to material involving the sexual exploitation of minors: 18 U.S.C. § 2252A(a)(2), Distribution and Receipt of Child Pornography.

2. I am a full-time, salaried, law enforcement officer, currently employed with the Bernalillo County Sheriff’s Office (“BCSO”) at the rank of sergeant. I am assigned to the Headquarters Division supervising FBI and Secret Service Task Force Officers. I am a Task Force Officer with the FBI Child Exploitation and Human Trafficking Task Force, duly sworn as a Special Federal Officer pursuant to Title 21 and Title 18 of the United States Code. I investigate a myriad of federal violations including, violent crimes against children, human trafficking, child pornography, online enticement, and sexual exploitation of children. I have investigated and received on the job training from other experienced agents and officers/detectives in the investigations of federal offenses, to include the sexual exploitation of children.

3. The information in this affidavit is based on my investigation, training and experience, as well as information provided to me by other law enforcement officers and reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support obtaining a criminal complaint against DOSCH, for violation of 18 U.S.C. § 2252A(a)(2).

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RELEVANT LEGAL DEFINITIONS

4. The following terms are relevant to this affidavit in support of this application for an arrest warrant:

a. *Child Pornography*: The term “child pornography” is defined at 18 U.S.C. § 2256(8). It consists of visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct), as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct. *See* 18 U.S.C. §§ 2252 and 2256(2), (8).

b. *CyberTipline Report (“CyberTip”)*: The National Center for Missing and Exploited Children (“NCMEC”) manages the CyberTipline, which is a centralized reporting system for the online exploitation of children. Members of the general public, as well as electronic service providers, can report suspected child exploitation through the CyberTipline. NCMEC then reviews the information submitted, works to find a potential location for the incident, and forwards the CyberTip to the appropriate law enforcement agency for possible investigation.

c. *Minor*: The term “minor” means any person under the age of eighteen years. *See* 18 U.S.C. § 2256(1).

d. *Sexually Explicit Conduct*: The term “sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-

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anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. *See* 18 U.S.C. § 2256(2).

SUMMARY OF PROBABLE CAUSE

5. On March 3, 2021, the FBI began investigating a series of CyberTipline Reports (“CyberTips”) that Discord, and other members of the public had submitted to the National Center for Missing and Exploited Children (“NCMEC”). Discord is a free telecommunications software service that allows users to communicate through voice and video calls, similar to the use of traditional phone systems. Discord allows users to communicate not only through voice calls, but also video chat, text messages, image and file exchanges, video messages, and multi-person conference calls.

6. On November 30, 2019, an anonymous Snapchat user reported to NCMEC that he or she had received threats of violence and possible child pornography from a Snapchat user identified as “t[REDACTED]”.¹ Snapchat is a social media application that allows users to share photos, videos, chats, and location with other users. This report is documented in CyberTipline Report #60376493. According to the reporting party, “he [t[REDACTED]] sent my friend child porn and me a picture of a man with a bomb strapped to his chest and a gun and told me he would blow me up.” This same user name was utilized on a Kik profile for user “Zach Dosch.”

7. From October 29, 2019, to May 12, 2021, NCMEC received eight CyberTips associated with Discord user “M[REDACTED] N[REDACTED]”, indicating that the user was uploading apparent

¹ The usernames contained in this affidavit are known to law enforcement but redacted to protect the ongoing criminal investigation.

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child pornography, trading child pornography with other Discord users, and extorting multiple underage females to engage in self harm and to produce child pornography.

8. For example, in CyberTipline Report 66063714, Discord reported on March 18, 2020, at 00:06:36 UTC, that user M [REDACTED] N [REDACTED] #1191 had uploaded a single image on February 25, 2020 at 08:51:01 UTC. Discord reported that it had previously viewed this image, titled “unknown.png” with an MD5 hash value of “[REDACTED]b24a3f”.² I reviewed the file and confirmed that it depicted child pornography. More specifically, the file depicts two nude juveniles, at least one of which is male. The male minor is preparing to stimulate the other’s anus with his tongue. Based on his side profile and overall small body size, the minor is likely between the ages of 7–11 years old. The second subject depicted is also small and proportionately similar in size, but additional identifying characteristics are limited. This subject is bending at the waist, but his or her face, hair, or genitalia are not visible. I would estimate the second subject to be between 6–12 years of age. Discord provided the user’s IP address as 97.123.73.172, which was registered to CenturyLink in Albuquerque, NM. A subpoena revealed that this IP address returned to what was later determined to be DOSCH’s residence.

9. In CyberTipline Report 87083460, submitted on February 27, 2021, Discord reported that a user identified as M [REDACTED] N [REDACTED] #4384 had uploaded numerous files on February 2, 2021, and also provided five (5) chat threads in spreadsheet format. Discord reported that it had previously viewed all of the media files and chat logs. Discord also provided the associated email address for each of M [REDACTED] N [REDACTED]’s accounts. For example, the following two (2) chat

² The full file titles and hash values contained in this affidavit are known to law enforcement but redacted to protect the minors depicted.

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threads and their content contain instances of user M [REDACTED] N [REDACTED] #0007 distributing and receiving child pornography as follows:

a. On January 13, 2021, Discord user M [REDACTED] N [REDACTED] #0007 participated in a chat conversation with user D [REDACTED] 8030. During this chat conversation, the two users exchange a total of 71 media files. As these files are exchanged, M [REDACTED] N [REDACTED] boasts that he “extorted a 12 year old,” and the two share links containing child pornography. I observed three additional links containing files sent by D [REDACTED] 8030 to M [REDACTED] N [REDACTED]. One of these files, found in the hyperlink ending with “[REDACTED] 7188/unknown.png.” depicted a young Asian female touching an adult penis. Based on my training and experience, I estimate the child to be between the age of 3–6 years old, based on body development. The remaining two files, found in the hyperlinks ending with “[REDACTED] 02900/unknown.png” and “[REDACTED] 39488/video0.mov” appeared to be two pre-teen males, both with their penises exposed.

b. On January 13, 2021, Discord user M [REDACTED] N [REDACTED] #0007 participated in a chat conversation with user G [REDACTED] #5497. During this conversation, M [REDACTED] N [REDACTED] discusses and exchanges sexual images of children. During this chat, M [REDACTED] N [REDACTED] shares an additional video depicting a small goat stimulating an African American toddler’s penis with its mouth.

10. Other CyberTipline Reports submitted this timeframe identified an IP address of 75.161.143.23 as belonging to user M [REDACTED] N [REDACTED]. A subpoena submitted to Century Link revealed that the IP address was registered to DOSCH’s residence from January 12, 2021 to February 10, 2021, encompassing the time of the chats described above.

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11. Law enforcement surveillance in May and June 2021 confirmed that DOSCH resided at the address where the relevant IP addresses were registered.

12. On June 17, 2021, law enforcement executed a search warrant at DOSCH's residence on Bermuda Dr NE, in Albuquerque New Mexico. As announcements were being made, DOSCH exited the residence. At the scene, DOSCH was read his Miranda Rights, to which he acknowledged he understood and agreed to speak with Law Enforcement further. He confirmed that his name was Zachary DOSCH and that his year of birth was 1999. According to DOSCH, he and his mother have lived at the described address since he was born. He advised that he was currently unemployed and enjoyed playing video games on the Dell Alienware PC in his bedroom. When asked if he operated any social media accounts, DOSCH confirmed that he operated such accounts as Facebook and most notably, Snapchat and Discord. DOSCH confirmed and provided the usernames for his Snapchat (T[REDACTED]) and Discord (M[REDACTED]N[REDACTED]) accounts, the same usernames associated with the CyberTips described above.

13. DOSCH initially denied having any knowledge of why the FBI would be executing a search warrant at his residence. He also denied any involvement in the exchange of child abuse material online but did note that he has witnessed people being "exploited" on Discord.

14. During a second interview at the FBI office at 4200 Lueking Park Ave NE, DOSCH admitted he had downloaded and sent child pornography simply for "shock value." DOSCH said his alias or username on Discord was M[REDACTED]N[REDACTED] followed by a series of numbers. DOSCH has had multiple Discord accounts under the name M[REDACTED]N[REDACTED] with different numbers assigned by Discord. He described being banned on approximately "60"

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15. As the interview continued, DOSCH confirmed that "D[REDACTED]8030" was a friend of his and someone with whom he's chatted with on Discord. DOSCH described D[REDACTED] as an active user. DOSCH said he exchanged both images and videos from D[REDACTED], which DOSCH suspected were child pornography. This further confirms that DOSCH received the previously described images including the images of the young Asian female, and two pre-teen males contained in Cybtertip #87083460 and described above.

17. Based on my training and experience, I believe the material received, and distributed depicts sexually explicit conduct, defined as actual or simulated sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex.

18. I believe the element of “in or affecting interstate or foreign commerce” is satisfied for a violation of 18 U.S.C. §§ 2252 and 2252A, because Discord is a company headquartered in

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California and any electronic devices used in the commission of these offenses were not manufactured in the State of New Mexico. .

Conclusion

19. Based on the above information, I believe that there is probable cause to believe that DOSCH violated 18 U.S.C. § 2252A(a)(2) by knowingly receiving and distributing child pornography.

20. This affidavit has been reviewed by Assistant United States Attorney Sarah Mease.

21. I declare that the foregoing is true and correct to the best of my knowledge.



Kyle Woods
FBI Special Federal Officer

Electronically Submitted and Telephonically
Sworn on July 2, 2021:



HONORABLE KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE